

To: CN=Sandy Fells/OU=R8/O=USEPA/C=US@EPA[]
Cc: []
Bcc: []
From: CN=Kate Fay/OU=R8/O=USEPA/C=US
Sent: Fri 2/8/2013 9:01:24 PM
Subject: Fw: Extremely Time Sensitive: Senate EPW Questions
EPWC QFRs DRAFT 020813 ORD dg.docx

Can you please call me about this?

Thanks

Kate Fay
Senior Advisor
Energy and Climate
Office of the Regional Administrator
U.S. EPA Region 8
303.910.2830 (cell)
303.312.6432 (office)

----- Forwarded by Kate Fay/R8/USEPA/US on 02/08/2013 02:01 PM -----

From: Ayn Schmit/R8/USEPA/US
To: Kate Fay/R8/USEPA/US@EPA
Cc: Howard Cantor/R8/USEPA/US@EPA, Martin Hestmark/R8/USEPA/US@EPA, Sandy Fells/R8/USEPA/US@EPA
Date: 02/08/2013 01:57 PM
Subject: Re: Extremely Time Sensitive: Senate EPW Questions

I have already been asked for input on the following draft QFRs. I am going to work on this tomorrow.

Ayn E. Schmit
Water Policy Advisor

(PH) 303-312-6220 (FAX) 303-312-7150
EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129
schmit.ayn@epa.gov

From: Kate Fay/R8/USEPA/US
To: Ayn Schmit/R8/USEPA/US@EPA, Martin Hestmark/R8/USEPA/US@EPA
Cc: Howard Cantor/R8/USEPA/US@EPA
Date: 02/08/2013 01:52 PM
Subject: Extremely Time Sensitive: Senate EPW Questions

Martin and Ayn,

Sorry for the fire drill. Received this request from Administrator's Office. Can you please provide answers

to the following questions (They are contained in a long request from EPW dated July 10, 2012, so some may be posed in an outdated fashion, such as Q65). Where applicable, please use language consistent with what we used to answer these questions in the past? ORD is also working on this, but we have been asked to provide answers as well. I will look in materials that might afford answers as well.

Please have your answers to me by 10 am Monday. Again, really sorry for the fire drill. Hopefully we have already written the answers and just need to access them.

QUESTION 61: In Parker County, TX, Dimock, PA, and Pavillion, WY, EPA is studying and in some cases issuing orders or conducting actions related to private drinking water wells. Please list all regulatory authority, and the circumstances that would spur the use of that authority, for EPA to intervene over a State in the regulation, investigation or care of private drinking water wells.

QUESTION 62: In your February 29 testimony before the House Appropriations Committee's Interior and Environment Panel, you stated that while the Pavillion, Wyoming investigation will not be "classified" as a HISA, it will be "treated" as one and added that EPA "will use the [OMB] guidelines for a highly influential scientific assessment." What is the distinction between "classifying" something as a HISA and "treating" it as one and do you commit today to following all of the OMB guidelines for a HISA with regards to the agencies ongoing work in Pavillion?

QUESTIONS 63: The Pavillion study was not peer reviewed prior to its release, and even though it was in draft form, there was a press release accompanying it with findings which scared the public. The larger study is expected to have a draft report released later this fall, and again EPA has indicated that it will not be peer reviewed or reviewed by other scientists prior to its release. What can be done to ensure that this study is carefully reviewed prior to its release? Will preliminary findings be highly publicized as they were in the Pavillion draft?

QUESTION 65: In testimony before Congress last year with regards to hydraulic fracturing, you stated that "EPA will use its authorities to protect local residents if a driller endangers water supplies and the state and local authorities have not acted." This in no way aligns with EPA's actions across the country where the Agency has interjected itself: in Parker County, Texas, Pavillion, Wyoming, and Dimock, Pennsylvania - all areas where state and local authorities were taking actions. Could you please comment on specific deficiencies in the actions of the aforementioned states which lead to EPA intervention in each of those instances?

Kate Fay
Senior Advisor
Energy and Climate
Office of the Regional Administrator
U.S. EPA Region 8
303.910.2830 (cell)
303.312.6432 (office)